IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mr. JUSTICE C.V.RAMULU

W.P.Nos.20167 of 2000 and 5159 of 2004

-

WRIT PETITION No. 20167 of 2000

Between:

D Latha D/o D Jagannadha Rao
Hearing Aid Centre, A.P.V.C.C., Visakhapatnam

..... PETITIONER

AND

1 A.P. Vikalangula Co-operative Corporation, Rep by its Managing Director
B.R.B.K. Bhavan, Tank Bund Road, Hyderabad
2 The Project Officer, Training-cum-Production Centre,
Bakkannapalem, Visakhapatnam

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an Order or direction or Writ more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not regularising the services of the petitioner from the date of her initial appointment i.e., dt. 12/4/1990 and not granting the pay scales from that date as was done in the case of Sri K Tammi Naidu Jr. Assistant as illegal, arbitrary, discriminatory and violative of Articles 14, 16 & 39(d) Constitution of India and consequently direct the respondents to regularise the services of the petitioner w.e.f., 12/4/1990 and grant the pay scales with all consequential benefits and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case, in the interest of justice.

Counsel for the Petitioner: Mr.V.SUDHAKAR REDDY

Counsel for the Respondents: Mr.K.RAMANUJA CHARI

WRIT PETITION No.5159 of 2004

Between:

T.Harikishen Singh, S/o.Late Sri T.Ratan Singh,
Project Officer, Office of the A.P.Vikalangula Co.op. Corporation,

BRKR Bhavan, Ground Foor,
Secretariat Road, Hyderabad.

..... PETITIONER

AND

1 A.P.Vikalangula Co.op.Corporation, rep.by its M.D.,

B.R.K.R.Bhavan, Secretariat Road,
Hyderabad.
2 Chairman & Board of Director, A.P.Vikalangula Co.op.

Corporation, Office: B.R.K.R.Bhavan,
Secretariat Road, Hyderabad.
3 The Prl.Secretary, The Govt.of A.P.,Women Development, Child Welfare & Disable Welfare Department, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus, declaring the action of the respondents in not releasing the annual increments and Dearness Allowance from the year 1998 onwards and not extending the benefit of PRC 1993, and 1998, as illegal and consequently to direct the respondents to release the annual increments and the Dearness Allowance of the petitioner from the year 1998 onwards and also the benefit of PRC 1993 and 1998 with all consequential benefits and to pass such other order or orders.

Counsel for the Petitioner: Mr. B.G.RAVINDER REDDY

Counsel for the Respondent Nos1&2.: Mr.K.RAMANUJA CHARI

Counsel for the Respondent No.3 : G.P. for Women Development

& Child Welfare

The Court made the following :

THE HONOURABLE SRI JUSTICE C.V. RAMULU

W.P.Nos.20167 of 2000 and 5159 of 2004

COMMON ORDER:

In these writ petitions, the petitioners are seeking regularization of services and release of annual increments and dearness allowance and also the benefits of recommendations of Pay Revision Commissions 1993 and 1998

Similar writ petitions were dismissed by this Court by a common Judgment

dated 29-10-2004 in W.P.No.21643 of 2000 and batch. Following the same, these writ petitions are liable to be dismissed as not maintainable, since they seek judicial review of the service conditions, which are in the realm of pure contract made under bye-laws, which have no statutory force or flavour. Further, petitioners have effective and efficacious alternative remedy by way of approaching the authorities under the Cooperative Societies Act to work out their remedies.

Accordingly, the writ petitions are dismissed. The petitioners are at liberty to approach the authorities under the A.P. Cooperative Societies Act for redressal of their grievances, if they are so advised. There shall be no order as to costs.

November 11, 2004

Prk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Prl.Secretary, The Govt.of A.P.,Women Development, Child Welfare & Disable Welfare Department, Secretariat, Hyderabad.

2 The Managing Director, A.P. Vikalangula Co-operative Corporation,
B.R.B.K. Bhavan, Tank Bund Road, Hyderabad

3 The Project Officer, Training-cum-Production Centre,
Bakkannapalem, Visakhapatnam

4 Chairman & Board of Director, A.P.Vikalangula Co.op.

Corporation, Office: B.R.K.R.Bhavan,
Secretariat Road, Hyderabad.

5. 2CCs to G.P. for Women Development & Child Welfare, High Court Buildings, Hyderabad (OUT)

6. 2CD copies